

Notice of Allowability

Application No.

09/487,944

Examiner

Raquel Alvarez

Applicant(s)

SHANNON, RONALD J.

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/17/2006.
2. ☒ The allowed claim(s) is/are 1,3-7,14-16 and 18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John M. Kilcoyne on 10/17/2006.

Please cancel claims 10, 13 and 17.

Please amend claims 14-15 and add claim 18 as follows:

18. (New) A visual decision tree device for identifying a wound care protocol for a given wound or wound prevention protocol appropriate for a given patient comprising:
- a mechanical device for identifying and displaying one of at least two decisions or visual decision trees based on one or more inputted wound factors according to a defined scale,
 - wherein the visual decision tree device identifies at least one component of a treatment protocol for the graded wound factors;
 - and wherein the mechanical device comprises at least one card on which the decisions or visual decision trees and values for a wound factor are printed; and
 - a sleeve in which the card slides having at least two openings, the first opening alignable separately with separate wound factor values, and the second opening alignable with the distinct decisions on visual decision trees depending on the alignment with the first openings.

Amend claims 14 and 15 as follows:

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14. (Currently amended) The visual decision tree device of claim ~~[[13]]~~ 18 wherein the card comprises markers corresponding to a defined scale for classifying the wound or patient.

15. (Currently amended) The visual decision tree device of claim ~~[[14]]~~ 18 wherein one or more cards shows a visual decision tree and wherein the housing comprises a view window through which one or more visual decision trees corresponding to the wound classification can be viewed.

Allowable Subject Matter

2. Claims 1-8, 14-15, 16 and 18 are allowed.

3. The present invention is directed to a visual decision tree which identifies a treatment protocol for a wound factor . The closest prior art are:

Brill et al.(US 5,299,121) discloses "a system for use in pharmacies which uses customer inputs to assist the customer with the selection of the appropriate non-prescription medication to relieve symptoms of an illness, injury or the like" (col. 1, lines 6-9). "The system comprises a personal computer with a keyboard, monitor and disk drive as input/output devices with appropriate programming for prompting a user to input information which is used by a knowledgebase to determine non-prescription medications which may be purchased by the consumer to relieve symptoms of injuries or illnesses covered by the knowledgebase" (col. 2, lines 33-39).

Publication titled, "Solutions Wound Care Algorithm Series" (Solutions) discloses for various nursing diagnoses such as impaired skin integrity, the corresponding assessments, nursing care goals, nursing action and expected outcome.

Publication titled, "Impact of a decision tree on chronic wound care" discloses using a decision tree for decision making for chronic wound care.

Anderson et al. (WO 03/084388 A2) discloses using a classification tree for detecting early detection of sepsis.

With respect to independent claims 1, and 16, The closest prior arts do not teach **"classifying the wound factor or patient against a defined scale for a first wound factor, which is a defined wound factor or defined wound risk assessment factor to obtain a wound classification and grading the wound or patient against a defined scales for one or more second wound factors which are wound assessment factors or wound risk assessment factors; operating visual decision tree device to show a decision or visual decision tree corresponding to the wound classification or to a grade wound assessment factor"**

With respect to independent claim 18, The closest prior arts do not teach **"at least one card on which the decisions or visual decision trees and values for a wound factor are printed; and a sleeve in which the card slides having at least two openings, the first opening alignable separately with separate wound factor values, and the second opening alignable with the distinct decisions on visual decision trees depending on the alignment with the first openings"**.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Point of contact

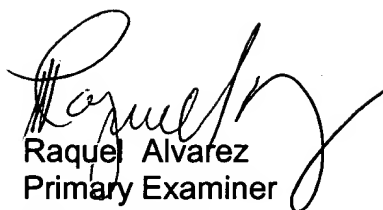
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Raquel Alvarez
Primary Examiner
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R.A.
10/30/2006